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April 19, 2004

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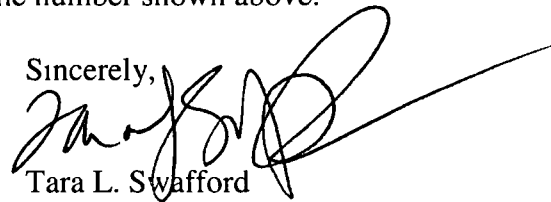
Hon. Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37238

***Re: Tennessee Coalition of Rural Incumbent Telephone Companies and
Cooperatives Request for Suspension of Wireline to Wireless Number
Portability Obligations Pursuant to Section 251(f)(2) of the Communications
Act of 1934, as Amended, Docket No. 03-00633***

Dear Chairman Tate

Enclosed for filing in the above-styled matter are the original and thirteen copies of Petitioners' Motion for Suspension Pending Proceeding and Motion to Set Procedural Schedule in the above-referenced docket. Should you have any questions with respect to this filing, please do not hesitate to contact me at the number shown above.

Sincerely,



Tara L. Swafford

TLS:lgb
Enclosures

**Before the
TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee**

In the Matter of)	
)	
Tennessee Coalition of Rural)	Docket No. 03-00633
Incumbent Telephone Companies)	
And Cooperatives)	
Request for Suspension of Wireline to)	
To Wireless Number Portability Obligations)	
Pursuant to Section 251(f)(2) of the)	
Communications Act of 1934, as Amended)	

**PETITIONERS' MOTION FOR SUSPENSION PENDING PROCEEDING AND
MOTION TO SET PROCEDURAL SCHEDULE**

Pursuant to § 251(f)(2) of the Communications Act of 1934 (the "Act"), the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives (individually "Petitioner" and collectively the "Coalition") hereby submits this Motion for Suspension Pending Proceeding and Motion to Set Procedural Schedule

For the reasons stated in its Amended Petition for Suspension, the Coalition requests a suspension of all number portability obligations pending this proceeding pursuant to the last paragraph of 47 U S C § 251(f)(2). Currently, the members of the Coalition are required to implement number portability by May 24, 2004 and, as demonstrated by Attachment A to the Amended Petition for Suspension, most Coalition members cannot comply with that date for technical reasons. A suspension pending this proceeding is contemplated by the Act and will not prejudice consumers as there is almost no demand for number portability at the present time. For instance, as of March 2004, TDS Telecom, Inc. has only received three requests for number portability from its customers (See attached Exhibit A, Affidavit of Bruce Mottern). Further, the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") has already stated before the TRA that it would not oppose an interim

suspension pending resolution on the merits of this request. (*See* Transcript of Authority Conference, February 23, 2004, p. 8, attached as Exhibit B). Accordingly, the Coalition requests that the TRA enter an order suspending number portability obligations throughout the proceeding of the Coalition's request for suspension

In addition, the Coalition moves the TRA to set a procedural schedule for discovery and resolution on its Amended Petition for Suspension. Contrary to the allegations of the Consumer Advocate in its Second Complaint and Petition to Intervene, the Coalition is not seeking an "indefinite" suspension of its number portability obligations, but only asks for a suspension until the later of the date 1) each Petitioner has achieved projected LNP technical capacity, 2.) six months after the date by which the applicable Federal Communications Commission Orders are no longer subject to be appealed, or 3) six months after the date by which the TRA has provided direction to the Coalition on the rating and routing issues raised in the Petition and in the CMRS Arbitration, Docket No 03-00585, pending before the TRA. A procedural schedule for this matter would be in the interest of all parties, and the Coalition thus requests a procedural schedule to address the relief requested in the Coalition's Amended Petition for Suspension.

Respectfully submitted,
The Tennessee Coalition of
Incumbent Rural Telephone
Companies and Cooperatives

By: 

R. Dale Grimes (006223)
Tara L. Swafford (17577)
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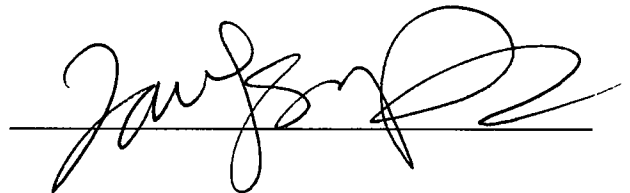
Of Counsel
Thomas J Moorman
Stephen G Kraskin
Kraskin, Lesse & Cosson LLC
2120 L Street N.W. Suite 520
Washington, D C 20037
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via hand delivery or facsimile on April 19th, 2004, upon:

Richard Collier, Esq
General Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Paul G Summers, Esq
Vance L Broemel, Esq
Timothy C. Phillips, Esq
Office of the Attorney General
Consumer Advocate and Protection Division
425 5th Avenue North
Nashville, Tennessee 37202

A handwritten signature in black ink, appearing to read "Paul G. Summers", is written over a horizontal line.

**Before the
TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee**

In the Matter of)	
)	
Tennessee Coalition of Rural)	Docket No. 03-00633
Incumbent Telephone Companies)	
And Cooperatives)	
Request for Suspension of Wireline to)	
To Wireless Number Portability Obligations)	
Pursuant to Section 251(f)(2) of the)	
Communications Act of 1934, as Amended)	

AFFIDAVIT OF BRUCE MOTTERN

STATE OF TENNESSEE

COUNTY OF KNOX

BEFORE ME personally appeared BRUCE MOTTERN, and after having been first
duly sworn did depose and say as follows:

1. I am above the age of 18 years old and competent to testify to the matters
contained herein.
2. Since August 1991 I have been employed by TDS Telecom, Inc. as a Director in
the Regulatory Affairs Group.
3. As of March 2004, TDS Telecom, Inc. has only received three inquiries from
customers for local number portability.

Further, Affiant sayeth not.

Bruce Mottern
BRUCE MOTTERN

SWORN TO AND SUBSCRIBED BEFORE
ME this 16 day of April, 2004.

Gerida Perry
NOTARY PUBLIC
My Commission expires: 3/30/05
[NOTARIAL SEAL]



BEFORE THE TENNESSEE REGULATORY AUTHORITY

EXCERPT OF

TRANSCRIPT OF AUTHORITY CONFERENCE

Monday, February 23, 2004

APPEARANCES:

For Tennessee Coalition of
Rural Incumbent Telephone

Companies and Cooperatives: Mr. R. Dale Grimes

For the Consumer Advocate: Mr. Timothy C. Phillips

Reported By:

Patricia W. Smith, RPR, CCR

1 DOCKET

DISPOSITION

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3

SECTION 4 - TATE, KYLE, AND JONES

4

03-00633 Tennessee Coalition of Rural Incumbent
Telephone Companies and Cooperatives

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1 (The aforementioned Authority
2 Conference came on to be heard on Monday, February 23,
3 2004, beginning at approximately 1:00 p.m., before
4 Chairman Deborah Taylor Tate, Director Sara Kyle,
5 Director Pat Miller, and Director Ron Jones. The
6 following is an excerpt of the proceedings which were
7 had, to-wit:)

8
9 MS. DILLON: Section 4, Directors
10 Tate, Kyle, and Jones.

11 First on the docket is Docket Number
12 03-00633, Tennessee Coalition of Rural Incumbent
13 Telephone Companies and Cooperatives, Tennessee
14 Coalition of Rural Incumbent Telephone Companies and
15 Cooperatives request for suspension of wireline to
16 wireless number portability obligations pursuant to
17 Section 251(f)(2) of the Communications Act of 1934, as
18 amended. Consider petition for suspension.

19 CHAIRMAN TATE: Mr. Grimes, are you
20 here?

21 MR. GRIMES: I am.

22 CHAIRMAN TATE: Would you want to come
23 forward and go ahead and identify yourself for the
24 record? I have a couple of questions.

25 And, General Broemel, is this --

1 General Phillips.

2 MR. GRIMES: I'm Dale Grimes. I'm
3 here on behalf of the coalition.

4 MR. PHILLIPS: Timothy Phillips,
5 Attorney General's Office, Consumer Advocate and
6 Protection Division.

7 CHAIRMAN TATE: One day we're going to
8 have microphones for everyone -- one day -- maybe from
9 the money we just saved from the do-not-call registry.
10 Anyway, you know, I don't know if my
11 fellow directors have any questions.

12 But, Mr. Grimes, would you -- would
13 you like to amend your petition with some more
14 specificity as to relief for each company? Because if
15 you would be willing to do that, I mean -- and I
16 understand the desire for the companies to be able to
17 kind of marshal their resources.

18 But, you know, I don't think at this
19 point, in the shape that the present petition is in,
20 that we would be able to -- to rule on it in its
21 present state.

22 MR. GRIMES: Well, I would say in that
23 case we would.

24 CHAIRMAN TATE: Good. Then let's stop
25 there. Hang on one second.

1 Does anybody have any other specific
2 questions or -- I mean --

3 DIRECTOR JONES: Yes, I do.

4 Mr. Grimes, I'm certain that you've
5 read the intervention by the CAD and Nextel's
6 opposition and AT&T's comments to your petition. And
7 there seems to be a common thread that runs throughout
8 them in requesting that we deny your petition on the
9 merits.

10 But as I understand your application
11 and your petition, you are petitioning this Authority
12 under, specifically, the last paragraph under Section
13 251(f)(2) where you are requesting a suspension
14 proceeding, one, where the evidentiary record will be
15 established in order to make a determination on the
16 larger issue of suspension of the requirement for LNP.

17 MR. GRIMES: Director Jones, I believe
18 that's correct. I don't have the specific citation in
19 front of me, but I believe that's correct. This is
20 certainly a petition for suspension under Section 251.

21 DIRECTOR JONES: And then the second
22 part of that -- of that paragraph is the part of your
23 petition where you are requesting that we suspend any
24 requirement to implement LNP pending a final
25 determination in the suspension proceeding.

1 Do I have the correct understanding
2 of --

3 MR. GRIMES: That's correct. Are you
4 looking at the petition?

5 DIRECTOR JONES: No, I'm looking at my
6 notes.

7 MR. GRIMES: Okay. Fair enough. May
8 I look at my petition?

9 DIRECTOR JONES: I'll look at it along
10 with you.

11 And, specifically, if you look at your
12 petition -- I think I remember the page. Page 15 is
13 where I gathered that, where you start with petitioners
14 respectfully request that the TRA grant this petition
15 and pending resolution of the petition. Of course,
16 we're talking about the same petition.

17 MR. GRIMES: Right.

18 DIRECTOR JONES: But I glean from that
19 we're talking about the two different parts of the Act,
20 a suspension proceeding and then you're asking us to
21 suspend requirements.

22 MR. GRIMES: Yes, I understand your
23 question. That's exactly right.

24 DIRECTOR JONES: Given that
25 understanding, in reading the -- Nextel's opposition to

1 dismiss the petition, it goes to the merits. But, in
2 fact, you're not asking us to make a determination on
3 the merits based on your petition but to enter into the
4 proceeding.

5 MR. GRIMES: I'm not sure I understand
6 the distinction, Director Jones. We're certainly
7 asking for a ruling ultimately on the merits of our
8 petition.

9 DIRECTOR JONES: That's after a
10 proceeding, a suspension proceeding where issues of
11 fact and the evidentiary record would be established.

12 MR. GRIMES: I believe -- I believe
13 that's correct. We have -- well, we have suggested
14 that a workshop might be a good way to take care of
15 some of the issues that have been raised here. But my
16 assumption would be that you could not grant the relief
17 in the petition without having an evidentiary hearing.
18 Whether it has to be a live hearing or not is I guess
19 subject to further consideration. But I believe that
20 is correct.

21 DIRECTOR JONES: Thank you, sir.

22 Let me ask Mr. Phillips, in your
23 complaint and petition to intervene where you say to
24 deny the request because it lacks -- it lacks the
25 evidence on which to make a determination, does that go

1 to the merits? Are you opposing -- are you opposing
2 the coalition's petition to initiate a suspension
3 proceeding?

4 MR. PHILLIPS: The answer to your --
5 the second part of that is no. This is something that
6 needs to be reviewed. And to the extent our petition
7 to intervene causes some concern about that, that's not
8 what -- that's not what we're looking for. Obviously,
9 we want in this docket.

10 At the same time, there is some --
11 several interests involved here, and one of which is
12 the consumers' ability to take their phone number with
13 them. That's what the FCC has directed.

14 At the same time, these companies --
15 we'd like to see a review of what these companies have
16 to spend to get there. And I -- if we have in mind
17 breaking it down, then I think we still have to review
18 each and every one of them.

19 So I think if I understand your -- the
20 direction you're going, some type of interim
21 suspension, we're not opposed to that, pending some
22 resolution on the merits of the request itself.

23 Does that respond, Director Jones?

24 DIRECTOR JONES: Yes, if that's your
25 response.

1 Chairman Tate, I think after we --
2 after the coalition files what you have requested of
3 them, I think it's at that point where we have the
4 decision to make as to whether to convene some type of
5 proceeding in order to establish an evidentiary basis
6 for making a determination under Section 251(f)(2).
7 And I don't know if that's part of what we will be
8 considering.

9 I see an expression on your face,
10 Mr. Grimes. Is that not consistent with what you are
11 requesting this Authority to do?

12 MR. GRIMES: I guess what I'm trying
13 to discern from your comments is whether you're saying
14 there is some precondition to the going forward to the
15 merits of our petition; that there is some judgment
16 that is going to be made prior to convening whatever
17 proceeding needs to take place. I'm not aware of any
18 requirement for that, and so that's what -- and I may
19 be misunderstanding what you're saying, Director Jones.

20 DIRECTOR JONES: I'm not saying that.
21 Section 251(f)(2), as I read it, you merely make the
22 request and we have 180 days in which to act. And we
23 don't act on that until we make a determination as to
24 whether you meet the criteria specified therein. So,
25 no, I'm not saying that.

1 DIRECTOR KYLE: Chairman Tate, we may
2 be putting the cart before the horse. I think what we
3 have here today is a petition that has not been filed
4 as required by the FCC. We need what you had stated
5 earlier that they agreed to.

6 This should be refiled. Mr. Grimes, I
7 think you have agreed to this. It has to be company by
8 company. And each company has to have a specific
9 remedy that they're seeking -- each company.

10 Now, you've agreed to do that, have
11 you not?

12 MR. GRIMES: Yes, Director Kyle, I
13 have. I guess I would ask whether you're envisioning
14 that it would be -- for example, if we've got 15
15 companies -- which we have at least that many --
16 whether there would be that many petitions filed or
17 whether it could still be in one coalition petition but
18 with each company specifying its own facts.

19 DIRECTOR KYLE: Its own facts. The
20 FCC -- now, you can go back and correct me, and maybe I
21 will stand and want to be corrected.

22 The FCC requires that each company
23 file -- company by company -- each company list their
24 own remedy that they're seeking or the basis for a
25 suspension. And I think from there we're going to find

1 that each company is not in the same boat.

2 MR. GRIMES: I will --

3 DIRECTOR KYLE: Once we get that done,
4 I would -- I'm not sure what Director Jones is asking.
5 But I think you-all were already talking about the
6 merits and the setting up of the hearings and the
7 cases. I think that we may have different situations
8 for each one of these companies -- might not -- but I
9 think we've already seen that we have.

10 Now, if you are going to agree to
11 that, then at that point, Chairman Tate, I think we
12 should appoint a hearing officer to rule on the
13 preliminary matters and prepare this case for a
14 hearing.

15 CHAIRMAN TATE: I was going to suggest
16 that we go ahead and do that. This seemed like a
17 really good opportunity to kind of have a process and
18 that the hearing officer could then work with you,
19 Mr. Grimes. Obviously, once the petition is refiled,
20 then, you know, General Phillips would have an
21 opportunity to respond to that as well.

22 But I think that this would be just a
23 good -- I mean, we recognize the need to act in a
24 timely manner. And so what I'd like to go ahead and
25 just propose is that we go ahead and appoint a hearing

1 officer, and the hearing officer could hold a status
2 conference and kind of go down through the petition.

3 Does that sound like a good idea?

4 DIRECTOR KYLE: With Mr. Grimes'
5 agreement, I would agree.

6 DIRECTOR JONES: I would agree with
7 that.

8 CHAIRMAN TATE: And your specific
9 question, I think, was do you need to file 20 of these?
10 I would say you can just refile it, but the specificity
11 needs to be for each individual company.

12 Would you-all agree with that?

13 DIRECTOR JONES: I have my thoughts
14 about that, but since we're going to appoint a hearing
15 officer --

16 CHAIRMAN TATE: We'll let the hearing
17 officer --

18 DIRECTOR JONES: -- I would assume
19 that the hearing officer would address that. I happen
20 to think that the determination that states have to
21 make is on a case-by-case basis. I see no prohibition
22 against the way it's being presented as long as during
23 some proceeding there is company-specific information
24 presented, so that the state can make a state-by-state
25 assessment. So I have a little different view about

1 that.

2 CHAIRMAN TATE: So there have been
3 comments filed but no other intervention, so there is
4 really nothing to rule on at this point other than just
5 to move that we appoint the general counsel or his
6 designee as the hearing officer and that the
7 petitioners would refile a petition with specific
8 relief for each company.

9 DIRECTOR JONES: That would allow the
10 Advocate to respond to whatever the new amended filing
11 is that the coalition makes so that its intervention
12 could be considered by the hearing officer and any
13 other parties.

14 CHAIRMAN TATE: Yes.

15 DIRECTOR KYLE: Chairman Tate, are you
16 wanting the hearing officer to be general counsel?

17 CHAIRMAN TATE: Or his designee.
18 General Phillips.

19 MR. PHILLIPS: That was my -- a
20 question I had. The hearing officer will determine
21 whether or not our petition to intervene is granted?

22 DIRECTOR JONES: I think we should
23 provide the hearing officer with that authority.

24 MR. PHILLIPS: Thank you.

25 CHAIRMAN TATE: Thank you.

1 Any other comments?

2 If not, thank you all.

3 DIRECTOR KYLE: Thank you.

4 MR. GRIMES: Thank you.

5 (End of excerpt of
6 proceedings.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, Patricia W. Smith, Registered Professional Reporter, with offices in Nashville, Tennessee, hereby certify that I reported the foregoing proceedings at the time and place set forth in the caption thereof; that the proceedings were stenographically reported by me; and that the foregoing proceedings constitute a true and correct transcript of said proceedings to the best of my ability.

I FURTHER CERTIFY that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome or events of this action.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal of office this 11th day of March, 2004.

PATRICIA W. SMITH,
REGISTERED PROFESSIONAL REPORTER
AND NOTARY PUBLIC FOR THE STATE
OF TENNESSEE AT LARGE

My Commission Expires:

July 24, 2004